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| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 10/764,164         | 01/23/2004  | Purva R. Rajkotia    | 2004.01.015.WS0     | 8157             |
| 23990              | 7590        | 04/21/2006           | EXAMINER            |                  |
| DOCKET CLERK       |             |                      | GARY, ERIKA A       |                  |
| P.O. DRAWER 800889 |             |                      | ART UNIT            |                  |
| DALLAS, TX 75380   |             |                      | PAPER NUMBER        |                  |

2617

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,164

Applicant(s)

RAJKOTIA ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/763,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach controlling the use of a reduced cycle mode of a mobile station. The only difference in the claim sets is that the mobile station sends the reduced slot cycle index value request in a first release order message as opposed to sending it in a page response message.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelley et al., US Patent Number 6,822,973 (hereinafter Kelley).

Regarding claims 1, 8, 14, 20, and 24, Kelley discloses for use in a wireless network comprising a plurality of base stations, a mobile station that can selectively use the reduced slot cycle mode under the control of a first the plurality of base stations, the mobile station comprising: a message controller capable communicating in a paging channel with the first base station; and a reduced slot cycle controller coupled to the message controller capable of causing the message controller to transmit to the first base station a first Release Order message comprising a minimum reduced slot cycle index (SCI) value requested by the mobile station, wherein the reduced slot cycle controller is further capable of receiving from the first base station a second Release Order message comprising a selected slot cycle index (SCI) value at which the mobile station will operate [figs. 2, 5; col. 2: lines 28-67; col. 4: lines 1-12; col. 6: lines 1-3; col. 7: lines 24-26].

Regarding claims 2 and 25, it is inherent that the reduced slot cycle controller causes the message controller transmit the first Release Order message in order to one reactivate a dormant data session between the first base station and the mobile station; and access the first base station after being handed off from a second base station to the first base station.

Regarding claims 3, 9, 15, and 26, Kelley discloses a slot cycle duration corresponding to the selected SCI value transmitted by the base station is different than a slot cycle duration corresponding to the minimum reduced slot cycle index (SCI) value requested by the first mobile station [col. 5: lines 36-44].

Regarding claims 4, 10, 16, and 27, Kelley discloses the slot cycle duration corresponding the selected SCI value transmitted by base station is at least as great as a slot cycle duration corresponding the minimum reduced slot cycle index (SCI) value requested by the first mobile station [col. 7: lines 38-41].

Regarding claims 5, 11, 17, and 28, Kelley discloses the first Release Order message further comprises requested time period during which the first mobile station will operate using the reduced slot cycle index (SCI) value requested by the first mobile station, and wherein the second Release Order message further comprises a selected time period during which the first mobile station will operate using the selected SCI value [col. 5: lines 35-44].

Regarding claims 6, 12, 18, and 29, Kelley discloses the selected time period transmitted by the base station is different than the requested time period requested by the first mobile station [col. 5: lines 42-44; col. 8: lines 42-54].

Regarding claims 7, 13, 19, and 30, Kelley discloses the selected time period transmitted by the base station is at least as great as the requested time period requested by the first mobile station [col. 8: lines 10-18].

Regarding claim 21, Kelley discloses the mobile station operates using the normal SCI value after receipt of the second Release Order message [col. 6: lines 5-10].

Regarding claim 22, Kelley discloses the triggering event comprises an expiration of an inactivity timer in the mobile station [col. 6: lines 36-44].

Regarding claim 23, Kelley discloses the triggering event comprises a termination in the mobile station of an application that operates in reduced slot cycle mode [col. 6: lines 36-44].

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jang et al., US Patent Application Publication Number 2005/0007973, disclose a method for requesting and granting a shorter slot cycle in a wireless network.

Kinnavy, US Patent Application Publication Number 2003/0114156, discloses a method and mobile station for enabling a preferred slot cycle.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-

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7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
April 18, 2006

  
ERIKA A. GARY  
PRIMARY EXAMINER